IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Israel Raz	:	Art Unit: 2181
Serial No.: 10/722,914	:	Examiner: Martinez, David E.
Filed: November 26, 2003	:	
For: METHODS AND SYSTEMS FOR MANAGING OUTPUTS TO PERIPHERAL DEVICES	:	

APPELLANTS' BRIEF

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Notice of Appeal in this Application was filed on October 16, 2007, concurrently with a Pre-Appeal Brief Request for Review. A Notice of Panel Decision was mailed on December 20, 2007. This Appeal Brief is being filed on Tuesday, January 22, 2008 (the next Business day following Sunday, January 20, 2008).

TABLE OF CONTENTS

This brief contains the following sections under the headings and in the order set forth below.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is GE Medical Systems Global Technology Co., LLC, whose address is 3000 N. Grandview Blvd., Waukesha, WI 53188.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences which will directly affect, or be directly affected by, or have a bearing on, the decision in this pending appeal.

III. STATUS OF CLAIMS

Presently, claims 1-20 are pending in the subject application and are on appeal. Claims 1-20 stand rejected.

IV. STATUS OF AMENDMENTS

A Final Office Action was mailed July 16, 2007 rejecting all of the pending claims (claims 1-20). No claim amendments were filed subsequent to the Final Office Action. Instead, a Request for Reconsideration was filed August 31, 2007. An Advisory Action was mailed September 13, 2007, indicating that the Request for Reconsideration was considered, but did not place the application in condition for allowance. A Notice of Appeal was filed on October 16, 2007, concurrently with a Pre-Appeal Brief Request for Review. A Notice of Panel Decision was mailed December 20, 2007 indicating that the application remains under appeal because there is at least one actual issue for appeal. Consequently, this Appeal Brief is now being submitted.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following summary does not limit, in any manner whatsoever, the claim interpretation. Rather, the following summary is provided only to facilitate the Board's understanding of the subject matter of this appeal.

Various embodiments of the invention relate to managing outputs to peripheral devices in medical systems devices. More specifically, the invention is defined claim-by-claim as set forth below.

Independent claim 1 recites a method for managing outputs to peripheral devices 28 and 30 in medical systems devices. (pages 3 and 4, paragraphs 11 and 13 of the specification and Figure 2). The method comprises providing 82 an instruction to control a peripheral device 30. (page 5, paragraph 18 of the specification and Figure 4). The method also comprises creating 84 a data object based on the instruction (page 6, paragraph 18 of the specification and Figure 4). The method also comprises storing the data object in a second memory 62 to be output to the peripheral device 30. (page 7, paragraph 20 of the specification). The method also comprises storing 94 the data object in a first memory 64 if the peripheral device 30 is not accessible and not available to accept the data object. (page 7, paragraph 21 of the specification, page 8, paragraph 23 of the specification, and Figure 4). The first memory 64 stores the data object for a longer time period than the second memory 62. (page 4, paragraph 16 of the specification).

Claim 2 depends from claim 1 and further recites that the method of claim 1 further comprises determining 86 whether the peripheral device 30 is available to accept the data object. (page 7, paragraph 21 of the specification and Figure 4). Claim 2 also recites that the method of claim 1 further comprises transferring 94 the data object from the second memory 62 to the first memory 64 upon determining that the peripheral device 30 is not available. (page 8, paragraph 23 of the specification and Figure 4).

Claim 3 depends from claim 1 and further recites that the method of claim 1 further comprises enabling a user to access the data object from the first memory 64. (page 8, paragraph

24 of the specification).

Claim 4 depends from claim 1 and further recites that the method of claim 1 further comprises acknowledging that the data object is received by the peripheral device 30 if the data object is received by the peripheral device 30. (page 8, paragraph 25 of the specification).

Claim 5 depends from claim 1 and further recites that providing 82 the instruction to provide the output comprises one of instructing to print at least one of text, a report and images, instructing to record to a video cassette recorder, instructing to electronically mail a copy of images to a remote location, instructing to create a copy of the images on one of a floppy disk, a magneto-optical disk, a CD, a DVD, a flash memory card, and a digital versatile disc, and instructing to create a copy of a patient's information on the digital versatile disc. (pages 5 and 6, paragraph 18 of the specification).

Claim 6 depends from claim 1 and further recites that creating 84 the data object based on the instructions comprises one of creating a first data object that instructs to print, creating a second data object that instructs to record to a video cassette recorder, creating a third data object that instructs to electronically mail a copy of images to a remote location, creating a fourth data object that instructs to create a copy of images on one of a floppy disk, a magneto-optical disk, and a digital versatile disc, and creating a fifth data object that instructs to create a copy of a patient's information on the digital versatile disc. (pages 5 and 6, paragraphs 18 and 19 of the specification).

Claim 7 depends from claim 1 and further recites that storing 94 the data object in the first memory 64 if the peripheral device 30 that provides the output is not available to accept the data object comprises storing the data object in the first memory 64 if the peripheral device 30 that provides the output is at least one of deenergized and unoperational. (page 7, paragraph 21 of the specification and page 8, paragraph 23 of the specification).

Independent claim 9 recites an imaging system 10 comprising a source 12 for transmitting signals, and a processor 4 operationally coupled to the source 12. (page 3, paragraphs 11 and 13 of the specification). The processor 4 is configured to receive an

instruction to control a peripheral device 30. (page 5, paragraphs 17 and 18 of the specification and Figure 4). The processor 4 is also configured to create 84 a data object based on the instruction. (page 6, paragraph 18 of the specification and Figure 4). The processor 4 is also configured to instruct to store the data object in a second memory 62 to be output to the peripheral device 30. (page 7, paragraph 20 of the specification). The processor 4 is also configured to instruct to store the data object in a first memory 64 if the peripheral device 30 is not in an active state and not available to accept the data object. (page 7, paragraph 21 of the specification, page 8, paragraph 23 of the specification, and Figure 4). The first memory 64 stores the data object for a longer time period than the second memory 62. (page 4, paragraph 16 of the specification).

Claim 10 depends from claim 9 and further recites that the processor 4 is further configured to determine 86 whether the peripheral device 30 is available to accept the data object. (page 7, paragraph 21 of the specification and Figure 4). Claim 10 also recites that the processor is further configured to transfer 94 the data object from the second memory 62 to the first memory 64 on determining that the peripheral device 30 is not available. (page 8, paragraph 23 of the specification and Figure 4).

Claim 11 depends from claim 9 and further recites that the processor 4 is further configured to perform one of enable a user to obtain the data object from the first memory 64, and automatically obtain the data object from the first memory 64. (page 8, paragraph 24 of the specification).

Claim 12 depends from claim 9 and further recites that the processor 4 is further configured to receive an acknowledgment that the data object is received by the peripheral device 30 if the data object is received by the peripheral device 30. (page 8, paragraph 25 of the specification).

Claims 13 depend from claim 9 and further recites that to receive the instruction to provide the output, the processor 4 is configured to perform one of receive an instruction to print, receive an instruction to record to a video cassette recorder, receive an instruction to

electronically mail a copy of images to a remote location, receive an instruction to create a copy of images on one of a floppy disk, a magneto-optical disk, and a digital versatile disc; a flash memory card, a compact disc, and receive an instruction to create a copy of a patient's information on said digital versatile disc. (pages 5 and 6, paragraphs 17 and 18 of the specification).

Claim 14 depends from claim 9 and further recites that to create 84 the data object based on the instructions, the processor 4 is configured to perform one of create a first data object that instructs to print, create a second data object that instructs to record to a video cassette recorder, create a third data object that instructs to electronically mail a copy of images to a remote location, create a fourth data object that instructs to create a copy of images on one of a floppy disk, a magneto-optical disk, and a digital versatile disc, and create a fifth data object that instructs to create a copy of a patient's information on said digital versatile disc. (pages 5 and 6, paragraphs 18 and 19 of the specification).

Claim 15 depends from claim 9 and further recites that to instruct to store 94 the data object in the first memory 64 if the peripheral device 30 that provides the output is not available to accept the data object, the processor 4 is configured to instruct to store the data object in the first memory 64 if the peripheral device 30 that provides the output is at least one of de-energized and unoperational. (page 7, paragraph 21 of the specification and page 8, paragraph 23 of the specification).

Claim 16 depends from claim 9 and further recites that to instruct to store the data object in the first memory 64 if the peripheral device 30 that provides the output is not available to accept the data object, the processor 4 is configured to instruct to store the data object in the first memory 64 if the peripheral device 30 that provides the output is operationally de-coupled from said processor. (page 7, paragraph 21 of the specification and page 8, paragraph 23 of the specification).

Independent claim 17 recites a computer-readable medium encoded with a program configured to receive an instruction to control a peripheral device 30. (page 5, paragraphs 17 and

18 of the specification and Figure 4). The program is also configured to create 84 a data object based on the instruction. (page 6, paragraph 18 of the specification and Figure 4). The program is also configured to instruct to store the data object in a second memory 62 to be output to the peripheral device 30. (page 7, paragraph 20 of the specification). The program is also configured to instruct to store the data object in a first memory 64 if the peripheral device 30 is not accessible and not available to accept the data object. (page 7, paragraph 21 of the specification, page 8, paragraph 23 of the specification, and Figure 4). The first memory 64 stores the data object for a longer time period than the second memory 62. (page 4, paragraph 16 of the specification).

Claim 18 depends from claim 17 and further recites that the program is further configured to determine 86 whether the peripheral device 30 is available to accept the data object. (page 7, paragraph 21 of the specification and Figure 4). Claim 18 also recites that the program is further configured to transfer 94 the data object from the second memory 62 to the first memory 64 on determining that the peripheral device 30 is not available. (page 8, paragraph 23 of the specification and Figure 4).

Claim 19 depends from claim 17 and further recites that the program is further configured to enable a user to obtain the data object from the first memory 64. (page 8, paragraph 24 of the specification).

Claim 20 depends from claim 17 and further recites that the program is further configured to receive an acknowledgment that the data object is received by the peripheral device 30 if the data object is received by the peripheral device 30. (page 8, paragraph 25 of the specification).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 5-10 and 13-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,023,343 (hereafter "Hoang") in view of U.S. Patent Application Publication No. 2004/0084971 (hereafter "Shukla"). Claims 3, 11, and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoang in view of Shukla, and further in view of U.S. Patent Application Publication No. 2003/0053109 (hereafter "Lester"). Claims 4, 12, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoang in view of Shukla, and further in view of U.S. Patent Application Publication No. 2002/0063880 (hereafter "Raney").

VII. ARGUMENT

Applicant respectfully submits that each pending claim in the pending application is patentable over the cited art. Accordingly, Applicant respectfully traverses the rejection of the pending claims, and requests that the rejection be withdrawn and that the pending claims be allowed. In support of these requests, a discussion regarding the patentability of the claimed recitations is set forth below.

As required by the Supreme Court in Graham v. John Deere, 383 U.S. 1, 148 USPQ 459 (1966), when determining obviousness under §103, the following factors must be considered:

(A) Determining the scope and contents of the prior art;
(B) Ascertaining the differences between the prior art and the claims in issue;
(C) Resolving the level of ordinary skill in the pertinent art; and
(D) Evaluating evidence of secondary considerations. (MPEP §2141(I).

As set forth in MPEP §2141(II), when applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

(A) The claimed invention must be considered as a whole;
(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
(D) Reasonable expectation of success is the standard with which obviousness is determined. Hodosh v. Block Drug Co., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

Independent claim 1 recites a method for managing outputs to peripheral devices in medical systems devices, wherein the method includes, among other things, "storing the data object in a first memory if the peripheral device is not accessible and not available to accept the data object...."

Independent claim 17 recites a computer-readable medium encoded with a program configured to, among other things, "instruct to store the data object in a first memory if the peripheral device is not accessible and not available to accept the data object...."

As admitted on page 3 of the Final Office Action dated July 16, 2007, Hoang does not describe or suggest storing a data object in a first memory if a peripheral device is not accessible. The Examiner instead relies on Shukla for teaching storing a data object in a first memory if a peripheral device is not accessible. Applicant disagrees that Shukla describes storing a data object in a first memory if a peripheral device is not accessible.

Shukla describes a method and apparatus for handling power supply failures to a peripheral device in a data processing system. The method includes monitoring a power supply to determine whether the electrical power is going from "on" to "off." If the electrical power is going from "on" to "off," the method includes examining a volatile task queue for the peripheral device to find at least one task, and calculating the amount of electrical energy required for the task. If insufficient electrical energy remains available to the peripheral device to complete the task, the method includes storing data describing the task in a non-volatile task queue in a non-volatile memory. The volatile task queue resides within the peripheral device, while the non-volatile memory may reside within the peripheral device or may reside outside the peripheral device.

Applicant asserts that storing data describing a task in a non-volatile memory when insufficient electrical energy remains available to the peripheral device to complete the task, as described by Shukla, is not the same as storing a data object in a first memory if a peripheral device is not accessible. Claims 1 and 17 each recite an action that is taken upon the occurrence of a condition. Specifically, claims 1 and 17 recite taking the action of storing a data object in a first memory upon the occurrence of the condition that the peripheral device is not accessible. Shukla also describes an action that is taken upon the occurrence of a condition. Specifically, Shukla

describes taking the action of storing data describing a task in a non-volatile memory upon the occurrence of the condition that insufficient electrical energy remains available to the peripheral device to complete the task. The conditions upon which the actions of claims 1 and 17 are taken and the action of Shukla is taken are different. Namely, Shukla describes taking the action when insufficient energy remains while claims 1 and 17 recite taking the action when a peripheral device is not accessible. Whether or not insufficient energy remains to complete a task is not the same as being inaccessible because the peripheral device must be accessed in order to make the determination of whether there is sufficient or insufficient energy. Even if insufficient energy remains to perform all of the tasks on the volatile task queue, the peripheral device is still accessible.

On page 2 of the Advisory Action dated September 13, 2007, the Examiner asserts that: "If the peripheral is accessible and available to accept data objects as taught by Hoang, then only a second memory is required. If the conditional statement doesn't happen then the last limitation is not performed and therefore not required, thus every limitation being anticipated by the Hoang reference." Regardless of whether the recitation of "storing a data object in a first memory" is required when the peripheral device is accessible, Applicant reiterates that neither Hoang nor Shukla, considered alone or in combination, describe or suggest storing the data object in the first memory if the peripheral device is not accessible.

Moreover, Applicant also asserts that the system of Shukla is incapable of storing the data describing the task if the peripheral device is not accessible. Shukla describes examining a volatile task queue that resides within the peripheral device to find at least one task, and calculating the amount of electrical energy required for the task. If insufficient electrical energy remains available to the peripheral device to complete the task, data describing the task is stored in a non-volatile memory. However, Shukla cannot store data describing the task if the peripheral device is not accessible because Shukla cannot find the task with which to begin unless the peripheral device is accessible. Notably, Shukla does not describe or suggest that the volatile task queue could reside outside the peripheral device.

On page 7 of the Final Office Action dated July 16. 2007, the Examiner asserts that step element 606 of Figure 6 of Shukla "determines if a peripheral is accessible or not accessible (i.e. if the peripheral is usable) by detecting if it has enough energy to perform a task." However, detecting whether a peripheral device has enough energy to perform a task cannot be the determining factor as to whether the peripheral device is accessible because, as described above, the system of Shukla must access a volatile task queue that resides on the peripheral device to find the task and determine if the peripheral device has enough energy to perform the task. On page 2 of the Advisory Action dated September 13, 2007, the Examiner argues that "[e]ven though the volatile memory may lie within the boundaries of the peripheral device, the volatile memory by itself may be accessible when the peripheral is not assessable since the peripheral may not be able to perform its function at that time." Applicant disagrees. How can the volatile task queue be accessible if it resides within the peripheral device and the peripheral device is not accessible? Applicant asserts that the volatile task queue cannot be accessible when the peripheral device is not accessible.

On page 2 of the Advisory Action dated September 13, 2007, the Examiner argues that "[p]lease note that fig 6 calls for either all or none of the tasks to be performed and there is no possibility for some of the tasks to be performed thus the peripheral device being inaccessible when there is a lack of sufficient energy." However, as described above, even if there is insufficient energy remaining to complete any task, the peripheral device must be accessed in order to make the determination of whether there is sufficient or insufficient energy.

For at least the reasons set forth above, Applicant submits that storing data describing a task in a non-volatile memory when insufficient electrical energy remains available to the peripheral device to complete the task, as described by Shukla, is not the same as storing a data object in a first memory if a peripheral device is not accessible. Because Hoang and Shukla individually fail to describe one or more elements of independent claims 1 and 17, a combination of Hoang and Shukla cannot describe such element(s). For at least the reasons set forth above, independent claims 1 and 17 are each submitted to be patentable over Hoang in view of Shukla.

Neither Lester nor Raney, considered alone or in combination, make up for the deficiencies of the combination of Hoang and Shukla with respect to claims 1 and 17. For example, neither Lester nor Raney describe storing a data object in a first memory if a peripheral device is not accessible.

Claims 2-8 depend from claim 1 and are likewise patentable over the cited references based at least on their dependency from claim 1.

Claims 18-20 depend from claim 17 and are likewise patentable over the cited references based at least on their dependency from claim 17.

Independent claim 9 recites an imaging system including, among other things, a processor configured to, among other things, "instruct to store the data object in a first memory if the peripheral device is not in an active state...."

As admitted on page 3 of the Final Office Action dated July 16, 2007, Hoang "is silent as to performing the storing of the data in a first memory under the condition of...'if the peripheral device is not in an active state'". The Examiner instead relies on Shukla for teaching a processor configured to instruct to store a data object in a first memory if a peripheral device is not in an active state, as recited in claim 9. Applicant disagrees that Shukla describes instructing to store a data object in a first memory if a peripheral device is not in an active state.

Applicant asserts that storing data describing a task in a non-volatile memory when insufficient electrical energy remains available to the peripheral device to complete the task, as described by Shukla, is not the same as storing a data object in a first memory if a peripheral device is not in an active state, as recited in claim 9. Claim 9 recites taking the action of storing a data object in a first memory upon the occurrence of the condition that the peripheral device is not in an active state. Shukla describes taking the action of storing data describing a task in a non-volatile memory upon the occurrence of the condition that insufficient electrical energy remains available to the peripheral device to complete the task. The conditions upon which the actions of claim 9 and Shukla are taken are different. Namely, Shukla describes taking the action when insufficient energy remains while claim 9 recites taking the action when a peripheral device is not in an active state.

Whether or not insufficient energy remains to complete a task is not the same as being inactive because the peripheral device could be either active or inactive when there is insufficient energy remaining to complete a task. For example, as shown in Figure 7 and despite the Examiner's arguments in the Advisory Action with respect to Figure 6 of Shukla and with respect to independent claim 9, there may be enough energy to perform some tasks on the peripheral device and such tasks may be completed while other tasks for which insufficient energy remains are stored in the non-volatile memory. Accordingly, in the case where some tasks are performed and others are stored, the peripheral device is active even though insufficient energy remains for some other tasks. Therefore, whether or not insufficient energy remains to complete a task is not the same as being inactive.

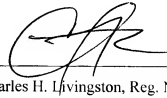
For at least the reasons set forth above, Applicant submits that storing data describing a task in a non-volatile memory when insufficient electrical energy remains available to the peripheral device to complete the task, as described by Shukla, is not the same as storing a data object in a first memory if a peripheral device is not in an active state, as recited in claim 9. Because Hoang and Shukla individually fail to describe one or more elements of independent claim 9, a combination of Hoang and Shukla cannot describe such element(s). For at least the reasons set forth above, independent claim 9 is submitted to be patentable over Hoang in view of Shukla.

Neither Lester nor Raney, considered alone or in combination, make up for the deficiencies of the combination of Hoang and Shukla with respect to claim 9. For example, neither Lester nor Raney describe instructing to store a data object in a first memory if a peripheral device is not in an active state.

Claims 10-16 depend from claim 9 and are likewise patentable over the cited references based at least on their dependency from claim 9.

Accordingly, Applicant respectfully requests that the rejection of all pending claims be withdrawn, and the pending claims allowed. A favorable action is respectfully requested.

Respectfully Submitted,



Date: January 22, 2008

Charles H. Livingston, Reg. No. 53,933
THE SMALL PATENT LAW GROUP LLP
611 Olive Street, Suite 1611
St. Louis, MO 63101
(314) 584-4089

VIII. CLAIMS APPENDIX

1. A method for managing outputs to peripheral devices in medical systems devices, said method comprising:

providing an instruction to control a peripheral device;

creating a data object based on the instruction;

storing the data object in a second memory to be output to the peripheral device; and

storing the data object in a first memory if the peripheral device is not accessible and not available to accept the data object, wherein the first memory stores the data object for a longer time period than the second memory.

2. A method in accordance with claim 1 further comprising:

determining whether the peripheral device is available to accept the data object; and

transferring the data object from the second memory to the first memory upon determining that the peripheral device is not available.

3. A method in accordance with claim 1 further comprising enabling a user to access the data object from the first memory.

4. A method in accordance with claim 1 further comprising:

acknowledging that the data object is received by the peripheral device if the data object is received by the peripheral device.

5. A method in accordance with claim 1 wherein said providing the instruction to provide the output comprises one of:

instructing to print at least one of text, a report and images;

instructing to record to a video cassette recorder;

instructing to electronically mail a copy of images to a remote location;

instructing to create a copy of the images on one of a floppy disk, a magneto-optical disk, a CD, a DVD, a flash memory card, and a digital versatile disc; and

instructing to create a copy of a patient's information on the digital versatile disc.

6. A method in accordance with claim 1 wherein said creating the data object based on the instructions comprises one of:

creating a first data object that instructs to print;

creating a second data object that instructs to record to a video cassette recorder;

creating a third data object that instructs to electronically mail a copy of images to a remote location;

creating a fourth data object that instructs to create a copy of images on one of a floppy disk, a magneto-optical disk, and a digital versatile disc; and

creating a fifth data object that instructs to create a copy of a patient's information on the digital versatile disc.

7. A method in accordance with claim 1 wherein said storing the data object in the first memory if the peripheral device that provides the output is not available to accept the data object comprises:

storing the data object in the first memory if the peripheral device that provides the output is at least one of deenergized and unoperational.

8 A method in accordance with claim 1 wherein a processor is configured to create the data object based on the instructions and wherein said storing the data object in the first memory if the peripheral device that provides the output is not available to accept the data object comprises:

storing the data object in the first memory if the peripheral device that provides the output is operationally de-coupled from the processor.

9. An imaging system comprising:

a source for transmitting signals; and

a processor operationally coupled to said source, said processor configured to:

receive an instruction to control a peripheral device;

create a data object based on the instruction;

instruct to store the data object in a second memory to be output to the peripheral device; and

instruct to store the data object in a first memory if the peripheral device is not in an active state and not available to accept the data object, wherein the first memory stores the data object for a longer time period than the second memory.

10. An imaging system in accordance with claim 9 wherein said processor is configured to:

determine whether said peripheral device is available to accept the data object; and

transfer the data object from said second memory to said first memory on determining that said peripheral device is not available.

11. An imaging system in accordance with claim 9 wherein said processor is configured to perform one of:

enable a user to obtain the data object from said first memory; and

automatically obtain the data object from said first memory.

12. An imaging system in accordance with claim 9 wherein said processor is configured to:

receive an acknowledgment that the data object is received by said peripheral device if the data object is received by said peripheral device.

13. An imaging system in accordance with claim 9 wherein to receive the instruction to

provide the output, said processor configured to perform one of:

receive an instruction to print;

receive an instruction to record to a video cassette recorder;

receive an instruction to electronically mail a copy of images to a remote location;

receive an instruction to create a copy of images on one of a floppy disk, a magneto-optical disk, and a digital versatile disc; a flash memory card, a compact disc, and

receive an instruction to create a copy of a patient's information on said digital versatile disc.

14. An imaging system in accordance with claim 9 wherein to create the data object based on the instructions said processor configured to perform one of:

create a first data object that instructs to print;

create a second data object that instructs to record to a video cassette recorder;

create a third data object that instructs to electronically mail a copy of images to a remote location;

create a fourth data object that instructs to create a copy of images on one of a floppy disk, a magneto-optical disk, and a digital versatile disc; and

create a fifth data object that instructs to create a copy of a patient's information on said digital versatile disc.

15. An imaging system in accordance with claim 9 wherein to instruct to store the data object in said first memory if said peripheral device that provides the output is not available to accept the data object said processor is configured to:

instruct to store the data object in said first memory if said peripheral device that provides the output is at least one of de-energized and unoperational.

16. An imaging system in accordance with claim 9 wherein to instruct to store the data

object in said first memory if said peripheral device that provides the output is not available to accept the data object said processor configured to:

instruct to store the data object in said first memory if said peripheral device that provides the output is operationally de-coupled from said processor.

17. A computer-readable medium encoded with a program configured to:

receive an instruction to control a peripheral device;

create a data object based on the instruction;

instruct to store the data object in a second memory to be output to the peripheral device; and

instruct to store the data object in a first memory if the peripheral device is not accessible and not available to accept the data object, wherein said first memory stores the data object for a longer time period than the second memory.

18. A computer-readable medium in accordance with claim 17 wherein said program is configured to:

determine whether said peripheral device is available to accept the data object; and

transfer the data object from said second memory to said first memory on determining that said peripheral device is not available.

19. A computer-readable medium in accordance with claim 17 wherein said program is configured to enable a user to obtain the data object from said first memory.

20. A computer-readable medium in accordance with claim 17 wherein said program is configured to:

receive an acknowledgment that the data object is received by said peripheral device if the data object is received by said peripheral device.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.